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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/833,042

04/12/2001

Hirokazu Takatama

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2387

22428

7590

12/22/2003

FOLEY AND LARDNER

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

EURIPIDOU, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 12/22/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/833,042

Examin r

Christopher M Euripidou

Applicant(s)

TAKATAMA ET AL.

Art Unit

2184

-- The MAILING DATE of this c mmunication appears n the c ver she t with the corresp ndence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-12 and 20-33 is/are rejected.
- 7) ☒ Claim(s) 3-9 and 13-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 10-12, 20-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Grover U.S. Patent Number 6,421,349 B1.

3. Referring to claims 1, 21, 26, and 30, the limitation of a load distribution device provided in each of nodes included in a network, Grover (Column 3, lines 46-49) discloses broadcasting statelets to successive nodes in a network and updating them to reflect network information for routing communications. Referring to the limitation of a link state memory retrievably storing link state information of the network, wherein the link state database is used to dynamically calculate an alternate route for failure recovery when a failure notification is received, Grover (Column 3, lines 63-67 and column 12, lines 8-10) discloses ordering the statelets according to the network route information such as the number of paths and hop counts for determining an alternate route upon failure of a node, which can be stored in network configuration databases at each node. Referring to the limitation of a route candidate memory retrievably storing a plurality of route candidates for each of possible endpoint nodes, Grover (Column 4, lines 4-6) discloses selecting a route from an ordering of fields in the incoming statelets,

which contain routes for all the nodes in the network that the statelets have passed through. Referring to the limitation of a route determiner for determining a route for a normally set up connection, wherein a route having a relatively small load is selected from a plurality of route candidates with a relatively high probability, Grover (Column 4, lines 4-11) discloses using the network information stored in the statelets that are updated at each node to determine a route for communications between nodes that promotes faster connections.

4. Referring to claims 2, 12, 22, 24, 27, 29, and 31, the limitation of a route quality checker for checking quality of each of the route candidates by referring to the link state information stored in the link state memory when receiving a connection setup request, Grover (Column 16, lines 29-34) discloses a score being assigned for each route, which reflects the quality of its path and is used to select a route. Referring to the limitation of a route candidate selector for selecting the route for a requested connection from the route candidates depending on the quality of each of the route candidates, Grover (Column 16, lines 29-34) discloses selecting a route from all possible routes stored in broadcast statelets based on the quality of the route, determined by the value of its score.

5. Referring to claims 10 and 20, the limitation of an on-demand route calculator for calculating a route satisfying a requested quality by referring to the link state memory when no route is found in the route candidate selector, Grover (Column 3, lines 16-20) discloses searching for a set of intermediate nodes that form a closed path between other nodes in the network upon receiving a broadcast statelet that may be empty.

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6. Referring to claims 11, 23, 28, and 32, the limitation of an alternate route determiner for determining an alternate route when a failure notification is received, wherein a route having a relatively small load is selected as the alternate route from a plurality of route candidates with a relatively high probability, Grover (Column 3, lines 7-12 and column 16, lines 29-34) discloses selecting an alternate path to route communications upon occurrence of a failure in a network connection, by choosing a route from the broadcast statelet that will provide the fastest connection.

7. Referring to claim 25, the limitation of a link state memory controller for updating at least the link state memory when one of a link state message and a failure notification message is received, Grover (Column 3, lines 46-49) discloses modifying the statelet broadcast through the network at each node to update a route field in the statelet.

***Allowable Subject Matter***

8. Claims 3-9 and 13-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Masuo et al. U.S. Patent Number 6,122,753, Pekarske U.S. Patent Number 5,146,452, Stirpe et al. U.S. Patent Number 5,805,578, and Wallach et al. U.S. Patent Number 6,292,905 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Euripidou whose telephone number is

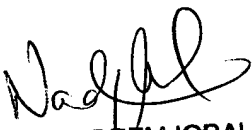
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(703) 305-4669. The examiner can normally be reached on 8:30 AM - 5:30 PM with first Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

CME

  
NADEEM IQBAL  
PRIMARY EXAMINER